UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 June 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>27 - 52</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>27 - 52</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed June 29, 2005 have been fully considered but they are not persuasive.

2.   Applicant's amended independent Claims 27 and 37 to at least recite "transmit information indicating an operation mode set in said image input device to said computer at the time when said image input device and said computer are connected." Applicant believes Fukasaka does not disclose or fairly suggest this feature.

3.   However, the Examiner disagrees with Applicant's position. The Examiner interprets "at the time" to correspond to both: 1) the exact particular instant of time that the image input unit establishes connection and communication with the computer AND 2) anytime instant of time thereafter while connection and communication is maintained. In other words, the Examiner believes "at the time" is substantively equivalent to "during the time". Based upon the Examiner's interpretation, Fukasaka clearly discloses "transmit information indicating an operation mode set in said image input device to said computer at the time when said image input device and said computer are connected," as required.

4.   Furthermore, Applicant's argue, "Applicants take reservation to each of the Examiner's taking of Official Notice, in the April 7, 2005 Office Action, and challenge the Examiner to identify prior art documents supporting the metes and bounds of each Official Notice and the conclusions based thereon."

5.   However, Applicants traverse is inadequate. "To adequately traverse such a finding, an

applicant must specifically point out the supposed errors in the examiner's action, which would

include stating why the noticed fact is not considered to be common knowledge or well-known

in the art." See MPEP §2144.03 [R-1].

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

7.   **Claims 27. 28, 30, 47, 49, and 51** are rejected under 35 U.S.C. 102(b) as being

anticipated by Fukasaka et al. (EP 860 978 A2).

8.   For **Claim 27**, Fukasaka et al. disclose, as shown in figures 1 – 4 and as stated in columns

6 (lines 30 – 58), 7 (lines 1 – 16), 8 (lines 42 – 46), 10 (lines 10 – 20 and 52 – 58), and 11 (lines

1 – 5), an image input system, which includes an image input device (image sensing apparatus

101) having a plurality of operation modes (see column 10, lines 10 – 19) and a computer (201)

having a plurality of software programs (application programs; also see column 10, lines 10 –

19) each corresponding to each of the plurality of operation modes of the image input device

("adding a function for initiating an application" program), comprising:

        a transmitting unit (camera controller 12) adapted to transmit information (application

execution request signal) indicating an operation mode set in said image input device (101) to

said computer (201) when said image input device (101) and said computer are connected with

each other (always connected; see the "arrowed" connection in figure 1) and a communication

between said image input device (101) and said computer (201) is established (It would be

impossible for the image sensing apparatus to transmit the application execution request signal to

the computer without a communication between the image sensing apparatus and computer being

previously established.)

a receiving unit (expansion board 23) arranged in said computer (201) and adapted to

receive the information indicating the operation mode set in said image input device (101); and

a control unit adapted to select a software program, which corresponds to the operation

mode set in said image input device, from a plurality of software programs and make start the

selected software program (see explanation below).

Fukasaka et al. disclose, as stated in column 7 (lines 9 – 12), that an application program

is automatically initiated, within the computer (201 – 204), by pressing a shutter button (11) on

the image input device (101 – 104) without interfacing with the operator of the image input

system. As stated in column 7 (lines 12 – 16), the predetermined application program, such as a

TV conference application program or a TV phone application program, is executed in response

to the operation of the image sensing apparatus (101 – 104) and may be stored in the hard disk

(24) of the computer (201 – 204) or stored in a CD-ROM or other media (as stated in column 9,

line 55 – column 10, line 5). Also, as stated in column 10 (lines 10 – 19), in a case where

buttons and switches, such as a power switch, a shutter button which has different operation

levels (e.g. half-stroke and full-stroke), an automatic focusing button, a white balance button, and

a zoom button, are provided in the image sensing apparatus (101 – 104), it is possible to add a

function for initiating <u>an application program</u> by operating one of these buttons and switches or

operating these buttons and switches in different combinations. Since each button or switch can initiate an application program, each button or switch, on the image input device (101 – 104), is thought of by the Examiner as a separate operation mode, thereby the image input device has a plurality of operation modes.

9.   As for **Claim 28**, Fukasaka et al. states, in column 6 (lines 46 – 49), that image signals are constantly transferred to the computer (201 – 204) from the image input device (101 – 104) where they are displayed on the display (23) until the shutter button (11) is depressed on the image input device (101 - 104) thereby initiating an application program to transfer a still image from the image input device (101 – 104) to the computer (201 – 204), also for display on the display (23). Therefore, Fukasaka et al. disclose wherein the operation modes of said image input device include at least an image sensing mode.

10.   As for **Claim 30**, Fukasaka et al. states, in column 6 (lines 46 – 49), that image signals are constantly transferred to the computer (201 – 204) from the image input device (101 – 104) where they are displayed on the display (23) until the shutter button (11) is depressed on the image input device (101 - 104) thereby initiating an application program to transfer a still image from the image input device (101 – 104) to the computer (201 – 204), also for display on the display (23).

        Therefore, Fukasaka et al. disclose wherein in the case that the operation mode of said image input device is the image sensing mode, said control unit selects an image sensing software and makes start the image sensing software, and the image sensing software displays a preview image and senses an image on said computer.

11.   For **Claim 47**, Fukasaka et al. disclose, as shown in figures 1 – 4 and as stated in columns

6 (lines 30 – 58), 7 (lines 1 – 16), 8 (lines 42 – 46), 10 (lines 10 – 20 and 52 – 58), and 11 (lines

1 – 5), a method of controlling an image input system, which includes an image input device

(image sensing apparatus 101) having a plurality of operation modes (see column 10, lines 10 –

19) and a computer (201) having a plurality of software programs (application programs; also see

column 10, lines 10 – 19) each corresponding to each of the plurality of operation modes of the

image input device ("adding a function for initiating an application" program), comprising:

        a transmitting step (camera controller 12) adapted to transmit information (application

execution request signal) indicating an operation mode set in said image input device (101) to

said computer (201) when said image input device (101) and said computer are connected with

each other (always connected; see the "arrowed" connection in figure 1) and a communication

between said image input device (101) and said computer (201) is established (It would be

impossible for the image sensing apparatus to transmit the application execution request signal to

the computer without a communication between the image sensing apparatus and computer being

previously established.)

        a receiving step (expansion board 23) arranged in said computer (201) and adapted to

receive the information indicating the operation mode set in said image input device (101); and

        a control step adapted to select a software program, which corresponds to the operation

mode set in said image input device, from a plurality of software programs and make start the

selected software program (see explanation below).

        Fukasaka et al. disclose, as stated in column 7 (lines 9 – 12), that an application program

is automatically initiated, within the computer (201 – 204), by pressing a shutter button (11) on

the image input device (101 – 104) without interfacing with the operator of the image input

system. As stated in column 7 (lines 12 – 16), the predetermined application program, such as a

TV conference application program or a TV phone application program, is executed in response

to the operation of the image sensing apparatus (101 – 104) and may be stored in the hard disk

(24) of the computer (201 – 204) or stored in a CD-ROM or other media (as stated in column 9,

·line 55 – column 10, line 5). Also, as stated in column 10 (lines 10 – 19), in a case where

buttons and switches, such as a power switch, a shutter button which has different operation

levels (e.g. half-stroke and full-stroke), an automatic focusing button, a white balance button, and

a zoom button, are provided in the image sensing apparatus (101 – 104), it is possible to add a

function for initiating <u>an application program</u> by operating one of these buttons and switches or

operating these buttons and switches in different combinations. Since each button or switch can

initiate an application program, each button or switch, on the image input device (101 – 104), is

thought of by the Examiner as a separate operation mode, thereby the image input device has a

plurality of operation modes.

12.   For **Claim 49**, Fukasaka et al. disclose, as shown in figures 1 – 4 and as stated in columns

6 (lines 30 – 58), 7 (lines 1 – 16), 8 (lines 42 – 46), 10 (lines 10 – 20 and 52 – 58), and 11 (lines

1 – 5), a storage medium (hard disk 24, CD-ROM, or other media) that stores a control program

for controlling an image input system, which includes an image input device (image sensing

apparatus 101) having a plurality of operation modes (see column 10, lines 10 – 19) and a

computer (201) having a plurality of software programs (application programs; also see column

10, lines 10 – 19) each corresponding to each of the plurality of operation modes of the image

input device ("adding a function for initiating an application" program), said control program

comprising:

a code of a transmitting step (camera controller 12) adapted to transmit information

(application execution request signal) indicating an operation mode set in said image input

device (101) to said computer (201) when said image input device (101) and said computer are

connected with each other (always connected; see the "arrowed" connection in figure 1) and a

communication between said image input device (101) and said computer (201) is established (It

would be impossible for the image sensing apparatus to transmit the application execution

request signal to the computer without a communication between the image sensing apparatus

and computer being previously established.)

a code of a receiving step (expansion board 23) arranged in said computer (201) and

adapted to receive the information indicating the operation mode set in said image input device

(101); and

a code of a control step adapted to select a software program, which corresponds to the

operation mode set in said image input device, from a plurality of software programs and make

start the selected software program (see explanation below).

Fukasaka et al. disclose, as stated in column 7 (lines 9 – 12), that an application program

is automatically initiated, within the computer (201 – 204), by pressing a shutter button (11) on

the image input device (101 – 104) without interfacing with the operator of the image input

system. As stated in column 7 (lines 12 – 16), the predetermined application program, such as a

TV conference application program or a TV phone application program, is executed in response

to the operation of the image sensing apparatus (101 – 104) and may be stored in the hard disk

(24) of the computer (201 – 204) or stored in a CD-ROM or other media (as stated in column 9,

line 55 – column 10, line 5). Also, as stated in column 10 (lines 10 – 19), in a case where

buttons and switches, such as a power switch, a shutter button which has different operation

levels (e.g. half-stroke and full-stroke), an automatic focusing button, a white balance button, and

a zoom button, are provided in the image sensing apparatus (101 – 104), it is possible to add a

function for initiating <u>an application program</u> by operating one of these buttons and switches or

operating these buttons and switches in different combinations. Since each button or switch can

initiate an application program, each button or switch, on the image input device (101 – 104), is

thought of by the Examiner as a separate operation mode, thereby the image input device has a

plurality of operation modes.

13.   For **Claim 51**, Fukasaka et al. disclose, as shown in figures 1 – 4 and as stated in columns

6 (lines 30 – 58), 7 (lines 1 – 16), 8 (lines 42 – 46), 10 (lines 10 – 20 and 52 – 58), and 11 (lines

1 – 5), a program product (hard disk 24, CD-ROM, or other media) that comprises a control

program for controlling an image input system, which includes an image input device (image

sensing apparatus 101) having a plurality of operation modes (see column 10, lines 10 – 19) and

a computer (201) having a plurality of software programs (application programs; also see column

10, lines 10 – 19) each corresponding to each of the plurality of operation modes of the image

input device ("adding a function for initiating an application" program), said control program

comprising:

        a code of a transmitting step (camera controller 12) adapted to transmit information

(application execution request signal) indicating an operation mode set in said image input

device (101) to said computer (201) when said image input device (101) and said computer are

connected with each other (always connected; see the "arrowed" connection in figure 1) and a

communication between said image input device (101) and said computer (201) is established (It

would be impossible for the image sensing apparatus to transmit the application execution

request signal to the computer without a communication between the image sensing apparatus

and computer being previously established.)

a code of a receiving step (expansion board 23) arranged in said computer (201) and

adapted to receive the information indicating the operation mode set in said image input device

(101); and

a code of a control step adapted to select a software program, which corresponds to the

operation mode set in said image input device, from a plurality of software programs and make

start the selected software program (see explanation below).

Fukasaka et al. disclose, as stated in column 7 (lines 9 – 12), that an application program

is automatically initiated, within the computer (201 – 204), by pressing a shutter button (11) on

the image input device (101 – 104) without interfacing with the operator of the image input

system. As stated in column 7 (lines 12 – 16), the predetermined application program, such as a

TV conference application program or a TV phone application program, is executed in response

to the operation of the image sensing apparatus (101 – 104) and may be stored in the hard disk

(24) of the computer (201 – 204) or stored in a CD-ROM or other media (as stated in column 9,

line 55 – column 10, line 5). Also, as stated in column 10 (lines 10 – 19), in a case where

buttons and switches, such as a power switch, a shutter button which has different operation

levels (e.g. half-stroke and full-stroke), an automatic focusing button, a white balance button, and

a zoom button, are provided in the image sensing apparatus (101 – 104), it is possible to add a

function for initiating <u>an application program</u> by operating one of these buttons and switches or

operating these buttons and switches in different combinations. Since each button or switch can

initiate an application program, each button or switch, on the image input device (101 − 104), is

thought of by the Examiner as a separate operation mode, thereby the image input device has a

plurality of operation modes.

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

15.   **Claim 36, 37, 38, 40, 46, 48, 50, and 52** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fukasaka et al. (EP 860 978 A2).

16.   As for **Claims 36 and 46**, while Fukasaka et al. disclose, as stated in column 10 (lines 10

− 19), an image input device having a plurality of operation modes, wherein buttons and switches

such as a power switch, a shutter button which has different operation levels (e.g. half-stroke and

full-stroke), an automatic focusing button, a white balance button, and a zoom button correspond

to the plurality of operation modes, and a computer having a plurality of software programs,

wherein the computer selects and starts at least a software program corresponding to an operation

mode in response to the operation of the buttons and switches, Fukasaka et al. does not

specifically disclose wherein the operation mode of said image input device is switched by a

fixed switch or dial switch arranged on said image input device, or operation/setup menu in an

LCD panel.

However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and

advantages of providing that the operation mode of said image input device is switched by a

fixed switch or dial switch arranged on said image input device, or operation/setup menu in an

LCD panel are well known and expected in the art. At the time the invention was made, it would

have been obvious to one with ordinary skill in the art to have provided that the operation mode

of said image input device is switched by a fixed switch or dial switch arranged on said image

input device, or operation/setup menu in an LCD panel for the advantage of standardizing the

operation of the device such that the device is not overly large.

17.   For **Claim 37**, Fukasaka et al. disclose, as shown in figures 1 – 4 and as stated in columns

6 (lines 30 – 58), 7 (lines 1 – 16), 8 (lines 42 – 46), 10 (lines 10 – 20 and 52 – 58), and 11 (lines

1 – 5), an image input system, which includes an image input device (image sensing apparatus

101) having a plurality of operation modes (see column 10, lines 10 – 19) and a computer (201)

having a plurality of software programs (application programs; also see column 10, lines 10 –

19) each corresponding to each of the plurality of operation modes of the image input device

("adding a function for initiating an application" program), comprising:

        a transmitting unit (camera controller 12) adapted to transmit information (application

execution request signal) indicating an operation mode set in said image input device (101) to

said computer (201) when said image input device (101) and said computer are connected with

each other (always connected; see the "arrowed" connection in figure 1) and a communication

between said image input device (101) and said computer (201) is established (It would be

impossible for the image sensing apparatus to transmit the application execution request signal to

the computer without a communication between the image sensing apparatus and computer being

previously established.)

a receiving unit (expansion board 23) arranged in said computer (201) and adapted to

receive the information indicating the operation mode set in said image input device (101); and

a control unit adapted to select a software program, which corresponds to the operation

mode set in said image input device, from a plurality of software programs and make start the

selected software program (see explanation below).

Fukasaka et al. disclose, as stated in column 7 (lines 9 – 12), that an application program

is automatically initiated, within the computer (201 – 204), by pressing a shutter button (11) on

the image input device (101 – 104) without interfacing with the operator of the image input

system. As stated in column 7 (lines 12 – 16), the predetermined application program, such as a

TV conference application program or a TV phone application program, is executed in response

to the operation of the image sensing apparatus (101 – 104) and may be stored in the hard disk

(24) of the computer (201 – 204) or stored in a CD-ROM or other media (as stated in column 9,

line 55 – column 10, line 5). Also, as stated in column 10 (lines 10 – 19), in a case where

buttons and switches, such as a power switch, a shutter button which has different operation

levels (e.g. half-stroke and full-stroke), an automatic focusing button, a white balance button, and

a zoom button, are provided in the image sensing apparatus (101 – 104), it is possible to add a

function for initiating an application program by operating one of these buttons and switches or

operating these buttons and switches in different combinations. Since each button or switch can

initiate an application program, each button or switch, on the image input device (101 – 104), is

thought of by the Examiner as a separate operation mode, thereby the image input device has a plurality of operation modes.

Fukasaka et al. clearly disclose initiating a plurality of application programs corresponding to a plurality of operation modes; albeit, Fukasaka et al. do not disclose a single software program that initiates a plurality of modes corresponding to the plurality of operation modes.

However, **Official Notice** (MPEP § 2144.03) is taken the both the concepts and advantages of providing a single software program that initiates a plurality of modes corresponding to a plurality of functions are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included a single software program that initiates a plurality of modes corresponding to a plurality of functions into the image input system of Fukasaka et al. as a means to increase the efficiency of the image input system thereby reducing wasted user waiting times.

18. As for **Claim 38**, Fukasaka et al. states, in column 6 (lines 46 – 49), that image signals are constantly transferred to the computer (201 – 204) from the image input device (101 – 104) where they are displayed on the display (23) until the shutter button (11) is depressed on the image input device (101 - 104) thereby initiating an application program to transfer a still image from the image input device (101 – 104) to the computer (201 – 204), also for display on the display (23). Therefore, Fukasaka et al. disclose wherein the operation modes of said image input device include at least an image sensing mode.

19. As for **Claim 40**, Fukasaka et al. states, in column 6 (lines 46 – 49), that image signals are constantly transferred to the computer (201 – 204) from the image input device (101 – 104)

where they are displayed on the display (23) until the shutter button (11) is depressed on the

image input device (101 - 104) thereby initiating an application program to transfer a still image

from the image input device (101 – 104) to the computer (201 – 204), also for display on the

display (23).

Therefore, Fukasaka et al. disclose wherein in the case that the operation mode of said

image input device is the image sensing mode, said control unit selects an image sensing

software and makes start the image sensing software, and the image sensing software displays a

preview image and senses an image on said computer.

20.   For **Claim 48**, Fukasaka et al. disclose, as shown in figures 1 – 4 and as stated in columns

6 (lines 30 – 58), 7 (lines 1 – 16), 8 (lines 42 – 46), 10 (lines 10 – 20 and 52 – 58), and 11 (lines

1 – 5), a method of controlling an image input system, which includes an image input device

(image sensing apparatus 101) having a plurality of operation modes (see column 10, lines 10 –

19) and a computer (201) having a plurality of software programs (application programs; also see

column 10, lines 10 – 19) each corresponding to each of the plurality of operation modes of the

image input device ("adding a function for initiating an application" program), comprising:

a transmitting step (camera controller 12) adapted to transmit information (application

execution request signal) indicating an operation mode set in said image input device (101) to

said computer (201) when said image input device (101) and said computer are connected with

each other (always connected; see the "arrowed" connection in figure 1) and a communication

between said image input device (101) and said computer (201) is established (It would be

impossible for the image sensing apparatus to transmit the application execution request signal to

the computer without a communication between the image sensing apparatus and computer being

previously established.)

a receiving step (expansion board 23) arranged in said computer (201) and adapted to

receive the information indicating the operation mode set in said image input device (101); and

a control step adapted to select a software program, which corresponds to the operation

mode set in said image input device, from a plurality of software programs and make start the

selected software program (see explanation below).

Fukasaka et al. disclose, as stated in column 7 (lines 9 – 12), that an application program

is automatically initiated, within the computer (201 – 204), by pressing a shutter button (11) on

the image input device (101 – 104) without interfacing with the operator of the image input

system. As stated in column 7 (lines 12 – 16), the predetermined application program, such as a

TV conference application program or a TV phone application program, is executed in response

to the operation of the image sensing apparatus (101 – 104) and may be stored in the hard disk

(24) of the computer (201 – 204) or stored in a CD-ROM or other media (as stated in column 9,

line 55 – column 10, line 5). Also, as stated in column 10 (lines 10 – 19), in a case where

buttons and switches, such as a power switch, a shutter button which has different operation

levels (e.g. half-stroke and full-stroke), an automatic focusing button, a white balance button, and

a zoom button, are provided in the image sensing apparatus (101 – 104), it is possible to add a

function for initiating an application program by operating one of these buttons and switches or

operating these buttons and switches in different combinations. Since each button or switch can

initiate an application program, each button or switch, on the image input device (101 – 104), is

thought of by the Examiner as a separate operation mode, thereby the image input device has a plurality of operation modes.

Fukasaka et al. clearly disclose initiating a plurality of application programs corresponding to a plurality of operation modes; albeit, Fukasaka et al. do not disclose a single software program that initiates a plurality of modes corresponding to the plurality of operation modes.

However, **Official Notice** (MPEP § 2144.03) is taken the both the concepts and advantages of providing a single software program that initiates a plurality of modes corresponding to a plurality of functions are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included a single software program that initiates a plurality of modes corresponding to a plurality of functions into the image input system of Fukasaka et al. as a means to increase the efficiency of the image input system thereby reducing wasted user waiting times.

21.   For **Claim 50**, Fukasaka et al. disclose, as shown in figures 1 – 4 and as stated in columns 6 (lines 30 – 58), 7 (lines 1 – 16), 8 (lines 42 – 46), 10 (lines 10 – 20 and 52 – 58), and 11 (lines 1 – 5), a storage medium (hard disk 24, CD-ROM, or other media) that stores a control program for controlling an image input system, which includes an image input device (image sensing apparatus 101) having a plurality of operation modes (see column 10, lines 10 – 19) and a computer (201) having a plurality of software programs (application programs; also see column 10, lines 10 – 19) each corresponding to each of the plurality of operation modes of the image input device ("adding a function for initiating an application" program), said control program ·comprising:

a code of a transmitting step (camera controller 12) adapted to transmit information

(application execution request signal) indicating an operation mode set in said image input

device (101) to said computer (201) when said image input device (101) and said computer are

connected with each other (always connected; see the "arrowed" connection in figure 1) and a

communication between said image input device (101) and said computer (201) is established (It

would be impossible for the image sensing apparatus to transmit the application execution

request signal to the computer without a communication between the image sensing apparatus

and computer being previously established.)

a code of a receiving step (expansion board 23) arranged in said computer (201) and

adapted to receive the information indicating the operation mode set in said image input device

(101); and

a code of a control step adapted to select a software program, which corresponds to the

operation mode set in said image input device, from a plurality of software programs and make

start the selected software program (see explanation below).

Fukasaka et al. disclose, as stated in column 7 (lines 9 – 12), that an application program

is automatically initiated, within the computer (201 – 204), by pressing a shutter button (11) on

the image input device (101 – 104) without interfacing with the operator of the image input

system. As stated in column 7 (lines 12 – 16), the predetermined application program, such as a

TV conference application program or a TV phone application program, is executed in response

to the operation of the image sensing apparatus (101 – 104) and may be stored in the hard disk

(24) of the computer (201 – 204) or stored in a CD-ROM or other media (as stated in column 9,

line 55 – column 10, line 5). Also, as stated in column 10 (lines 10 – 19), in a case where

buttons and switches, such as a power switch, a shutter button which has different operation

levels (e.g. half-stroke and full-stroke), an automatic focusing button, a white balance button, and

a zoom button, are provided in the image sensing apparatus (101 – 104), it is possible to add a

function for initiating <u>an application program</u> by operating one of these buttons and switches or

operating these buttons and switches in different combinations. Since each button or switch can

initiate an application program, each button or switch, on the image input device (101 – 104), is

thought of by the Examiner as a separate operation mode, thereby the image input device has a

plurality of operation modes.

Fukasaka et al. clearly disclose initiating a plurality of application programs

corresponding to a plurality of operation modes; albeit, Fukasaka et al. do not disclose a single

software program that initiates a plurality of modes corresponding to the plurality of operation

modes.

However, **Official Notice** (MPEP § 2144.03) is taken the both the concepts and

advantages of providing a single software program that initiates a plurality of modes

corresponding to a plurality of functions are well known and expected in the art. At the time the

invention was made, it would have been obvious to one with ordinary skill in the art to have

included a single software program that initiates a plurality of modes corresponding to a plurality

of functions into the image input system of Fukasaka et al. as a means to increase the efficiency

of the image input system thereby reducing wasted user waiting times.

22.   For **Claim 52**, Fukasaka et al. disclose, as shown in figures 1 – 4 and as stated in columns

6 (lines 30 – 58), 7 (lines 1 – 16), 8 (lines 42 – 46), 10 (lines 10 – 20 and 52 – 58), and 11 (lines

1 – 5), a program product (hard disk 24, CD-ROM, or other media) that comprises a control

program for controlling an image input system, which includes an image input device (image

sensing apparatus 101) having a plurality of operation modes (see column 10, lines 10 – 19) and

a computer (201) having a plurality of software programs (application programs; also see column

·10, lines 10 – 19) each corresponding to each of the plurality of operation modes of the image

input device ("adding a function for initiating an application" program), said control program

comprising:

a code of a transmitting step (camera controller 12) adapted to transmit information

(application execution request signal) indicating an operation mode set in said image input

device (101) to said computer (201) when said image input device (101) and said computer are

connected with each other (always connected; see the "arrowed" connection in figure 1) and a

communication between said image input device (101) and said computer (201) is established (It

would be impossible for the image sensing apparatus to transmit the application execution

request signal to the computer without a communication between the image sensing apparatus

and computer being previously established.)

a code of a receiving step (expansion board 23) arranged in said computer (201) and

adapted to receive the information indicating the operation mode set in said image input device

(101); and

a code of a control step adapted to select a software program, which corresponds to the

operation mode set in said image input device, from a plurality of software programs and make

start the selected software program (see explanation below).

Fukasaka et al. disclose, as stated in column 7 (lines 9 – 12), that an application program

is automatically initiated, within the computer (201 – 204), by pressing a shutter button (11) on

the image input device (101 – 104) without interfacing with the operator of the image input

system. As stated in column 7 (lines 12 – 16), the predetermined application program, such as a

TV conference application program or a TV phone application program, is executed in response

to the operation of the image sensing apparatus (101 – 104) and may be stored in the hard disk

(24) of the computer (201 – 204) or stored in a CD-ROM or other media (as stated in column 9,

line 55 – column 10, line 5). Also, as stated in column 10 (lines 10 – 19), in a case where

buttons and switches, such as a power switch, a shutter button which has different operation

levels (e.g. half-stroke and full-stroke), an automatic focusing button, a white balance button, and

a zoom button, are provided in the image sensing apparatus (101 – 104), it is possible to add a

function for initiating <u>an application program</u> by operating one of these buttons and switches or

operating these buttons and switches in different combinations. Since each button or switch can

initiate an application program, each button or switch, on the image input device (101 – 104), is

thought of by the Examiner as a separate operation mode, thereby the image input device has a

plurality of operation modes.

Fukasaka et al. clearly disclose initiating a plurality of application programs

corresponding to a plurality of operation modes; albeit, Fukasaka et al. do not disclose a single

software program that initiates a plurality of modes corresponding to the plurality of operation

modes.

However, **Official Notice** (MPEP § 2144.03) is taken the both the concepts and

advantages of providing a single software program that initiates a plurality of modes

corresponding to a plurality of functions are well known and expected in the art. At the time the

invention was made, it would have been obvious to one with ordinary skill in the art to have

included a single software program that initiates a plurality of modes corresponding to a plurality

of functions into the image input system of Fukasaka et al. as a means to increase the efficiency

of the image input system thereby reducing wasted user waiting times.

23.   **Claims 29, 39, 32, and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fukasaka et al. in view of Norris.

24.   As for **Claims 29 and 39**, Fukasaka et al. disclose, as stated in column 10 (lines 10 – 19),

an image input device having a plurality of operation modes, wherein buttons and switches such

as a power switch, a shutter button which has different operation levels (e.g. half-stroke and full-

stroke), an automatic focusing button, a white balance button, and a zoom button correspond to

the plurality of operation modes, and a computer having a plurality of software programs,

wherein the computer selects and starts at least a software program corresponding to an operation

mode in response to the operation of the buttons and switches.

On the other hand, Norris also discloses selecting a software program from a plurality of software

programs in a computer in response to the selection of an operation mode from a plurality of

operation modes in an image input device and more specifically, an image sensing mode in the

image input device and image sensing software in the computer, Fukasaka et al. does not

disclose an image playback mode in the image input device and image playback software in the

computer.

On the other hand, Norris also discloses an image input system. More specifically,

Norris discloses, as shown in figures 1 and 4A and as a stated in column 7 (lines 46 – 61), an

image input device (12) and a computer system (18) wherein the image input device (12) has an

image playback mode and the computer (18) has image browsing software (the album function 76).

As stated in column 1 (lines 26 – 52) of Norris, at the time the invention was made it would have been obvious to one with ordinary skill in the art to have included an image input device (12) with an image playback mode and a computer (18) with image browsing software (76), as taught by Norris, in the image input system, disclosed by Fukasaka et al., for the advantage of providing a user of the system with tools to create an electronic photograph album.

25.   As for **Claims 32 and 42**, Fukasaka et al. disclose, as stated in column 10 (lines 10 – 19), an image input device having a plurality of operation modes, wherein buttons and switches such as a power switch, a shutter button which has different operation levels (e.g. half-stroke and full-stroke), an automatic focusing button, a white balance button, and a zoom button correspond to the plurality of operation modes, and a computer having a plurality of software programs, wherein the computer selects and starts at least a software program corresponding to an operation mode in response to the operation of the buttons and switches.

While Fukasaka et al. disclose selecting a software program from a plurality of software programs in a computer in response to the selection of an operation mode from a plurality of operation modes in an image input device and more specifically, an image sensing mode in the image input device and image sensing software in the computer, Fukasaka et al. does not disclose an image playback mode in the image input device and image playback software in the computer.

On the other hand, Norris also discloses an image input system. More specifically, Norris discloses, as shown in figures 1 and 4A and as a stated in column 7 (lines 46 – 61), an

image input device (12) and a computer system (18) wherein the image input device (12) has a slideshow playback mode and the computer (18) has slideshow playback software (the slideshow function 74) that automatically displays the loaded images on a screen (36).

As stated in column 1 (lines 26 – 52) of Norris, at the time the invention was made it would have been obvious to one with ordinary skill in the art to have included an image input device (12) with an slideshow playback mode and a computer (18) with slideshow playback software (76), as taught by Norris, in the image input system, disclosed by Fukasaka et al., for the advantage of allowing a user of the system to systematically view all the loaded images so as to thoroughly select images for printing and/or permanent storage.

26.   **Claims 31 and 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasaka et al. in view of Driscoll, Jr. et al.

27.   As for **Claims 31 and 41**, Fukasaka et al. disclose, as stated in column 10 (lines 10 – 19), an image input device having a plurality of operation modes, wherein buttons and switches such as a power switch, a shutter button which has different operation levels (e.g. half-stroke and full-stroke), an automatic focusing button, a white balance button, and a zoom button correspond to the plurality of operation modes, and a computer having a plurality of software programs, wherein the computer selects and starts at least a software program corresponding to an operation mode in response to the operation of the buttons and switches.

While Fukasaka et al. disclose selecting a software program from a plurality of software programs in a computer in response to the selection of an operation mode from a plurality of operation modes in an image input device and more specifically, an image sensing mode in the

image input device and image sensing software in the computer, Fukasaka et al. does not

disclose an image playback mode in the image input device and image playback software in the

computer.

On the other hand, Driscoll, Jr. et al. also disclose an image input system. More

specifically, Driscoll, Jr. et al. disclose, as shown in figures 11C and 13A and as a stated in

column 10 (lines 32 – 47), an image input device (1205) and a computer system (1200) wherein

the image input device (1205) has a panoramic image sensing mode and the computer (1200) has

panoramic image sensing generation software for synthesizing loaded images.

As stated in column 1 (lines 28 – 37) of Driscoll, Jr. et al., at the time the invention was

made it would have been obvious to one with ordinary skill in the art to have included an image

input device (1205) with an panoramic image sensing mode and a computer (1200) with

panoramic image sensing software, as taught by Driscoll, Jr. et al., in the image input system,

disclosed by Fukasaka et al., for the advantage of providing a user of the system with an

increased field of view so as to allow the user to choose the viewing direction of the image.

28.   **Claims 33 – 35 and 43 – 45** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fukasaka et al. in view of Norris.

29.   As for **Claims 33 and 43**, while Fukasaka et al. disclose that the image input device

(101) and computer (201) are connected and a communication between each other is established,

wherein, in the computer, a software program is selected and started in response to an operation

mode selection, in the image input device, Fukasaka et al. does not disclose wherein when said

image input device and said computer are disconnected in a state that said image input device

and said computer are connected with each other and the software program corresponding to the

operation mode of said image input device is operating, said control unit keeps the software

program operating.

On the other hand, Mamiya also discloses an image input device and a computer. More

specifically, as shown in figures 1, Mamiya discloses, "a state that image input device (110) and

computer (120) are connected with each other". Furthermore, Mamiya discloses, as shown in

figures 1 and 3a, when a freeze operation (Step S308) wherein in a freeze process moving

images are no longer transmitted to the computer (see column 4, lines 6 – 33) such that the

computer can store a still image (see figure 3b); however, the software program (application

software) has not terminated and is still operating (the software terminates in Step S309). The

Examiner interprets the freeze process (Step S308) as corresponding to "disconnected in a state

that image input device (110) and computer (120) are connected with each other". Therefore,

Mamiya teaches wherein when said image input device and said computer are disconnected in a

state that said image input device and said computer are connected with each other and the

software program corresponding to the operation mode of said image input device is operating,

said control unit keeps the software program operating.

As stated in column 6 (lines 30 – 40), at the time the invention was made, it would have

been obvious to one with ordinary skill in the art to keep the software program operating when

the image input device and computer are disconnected in a state that said image input device and

said computer are connected with each other, as taught by Mamiya, in the image input system,

disclosed by Fukasaka et al., for the advantage of allowing a user to perform the same function

of taking a still image by using either the image input device or the computer.

30.   As for **Claims 34 and 44**, while Fukasaka et al. disclose that the image input device

(101) and computer (201) are connected and a communication between each other is established,

wherein, in the computer, a software program is selected and started in response to an operation

mode selection, in the image input device, Fukasaka et al. does not disclose wherein when said

image input device and said computer are disconnected in a state that said image input device

and said computer are connected with each other and the software program corresponding to the

operation mode of said image input device is operating, said control unit terminates an operation

of the software program.

On the other hand, Mamiya also discloses an image input device and a computer. More

specifically, as shown in figures 1, Mamiya discloses, "a state that image input device (110) and

computer (120) are connected with each other". Furthermore, Mamiya discloses, as shown in

figures 1 and 3a, when a release button (118) in the image input device is not depressed, the

device driver software terminates. The Examiner interprets the release flag not being set (No

result in Step S302) as corresponding to "disconnected in a state that image input device (110)

and computer (120) are connected with each other". Therefore, Mamiya teaches wherein when

said image input device and said computer are disconnected in a state that said image input

device and said computer are connected with each other and the software program corresponding

to the operation mode of said image input device is operating, said control unit terminates an

operation of the software program.

As stated in column 6 (lines 30 – 40), at the time the invention was made, it would have

been obvious to one with ordinary skill in the art to keep the software program operating when

the image input device and computer are disconnected in a state that said image input device and

said computer are connected with each other, as taught by Mamiya, in the image input system,

disclosed by Fukasaka et al., for the advantage of allowing a user to perform the same function

of taking a still image by using either the image input device or the computer.

31.   As for **Claims 35 and 45**, while Fukasaka et al. disclose that the image input device

(101) and computer (201) are connected and a communication between each other is established,

wherein, in the computer, a software program is selected and started in response to an operation

mode selection, in the image input device, Fukasaka et al. does not disclose wherein when said

image input device and said computer are disconnected in a state that said image input device

and said computer are connected with each other and the software program corresponding to the

operation mode of said image input device is operating, said control unit keeps the software

program operating or the software is terminated.

On the other hand, Mamiya also discloses an image input device and a computer. More

specifically, as shown in figures 1, Mamiya discloses, "a state that image input device (110) and

computer (120) are connected with each other". Furthermore, Mamiya discloses, as shown in

figures 1 and 3a, when a release button (118) in the image input device is not depressed, the

device driver software terminates. The Examiner interprets the release flag not being set (No

result in Step S302) as corresponding to "disconnected in a state that image input device (110)

and computer (120) are connected with each other". Therefore, Mamiya teaches wherein when

said image input device and said computer are disconnected in a state that said image input

device and said computer are connected with each other and the software program corresponding

to the operation mode of said image input device is operating, said control unit terminates an

operation of the software program.

As stated in column 6 (lines 30 – 40), at the time the invention was made, it would have been obvious to one with ordinary skill in the art to keep the software program operating or terminates the software when the image input device and computer are disconnected in a state that said image input device and said computer are connected with each other, as taught by Mamiya, in the image input system, disclosed by Fukasaka et al., for the advantage of allowing a user to perform the same function of taking a still image by using either the image input device or the computer.

Conclusion

32.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

33.   Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.
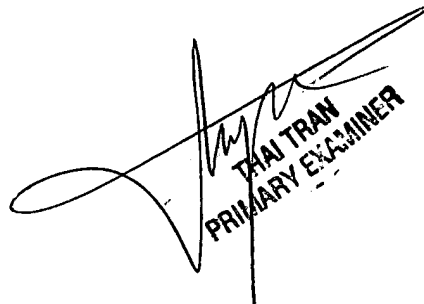
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Thai Q Tran can be reached on 571.272.7382. The fax phone number for the

organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
September 19, 2005